

- 72. [REDACTED]
- 73. [REDACTED]
- 74. [REDACTED]
- 75. [REDACTED]
- 76. [REDACTED]
- 77. [REDACTED]
- 78. [REDACTED]
- 79. [REDACTED]
- 80. [REDACTED]
- 81. [REDACTED]

* Originally read into Congressional Record as a repeat on [REDACTED] should have been [REDACTED]

John Stewart * Service
John Stewart Service

Dorothy Kenyon
Haldore E. Hanson
Gustavo Duran
Frederick Lewis Schuman
Harlow Shapely
Cullen J. Lattimore
Mary Jane Keeney

Dorothy * Kenyon
Haldore E. Hanson
Gustavo * Duran
Frederick Lewis * Schuman
Harlow * Shapely
Cullen J. * Lattimore
MARY JANE * Keeney

b7C

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT
FROM : C. H. STANLEY
SUBJECT: [REDACTED]
Applicant - Quartermaster General
War Department
Washington, D. C.
LOYALTY OF GOVERNMENT EMPLOYEES

DATE: March 22, 1950

Communists in
Civil Service Department

PURPOSE: To record telephonic conversations held this morning, [REDACTED] of IDA regarding the above-captioned case. U

BACKGROUND: Late yesterday afternoon, [REDACTED] called the Correlation and Liaison Section concerning the above-captioned case and referred to the Army's letter of January 5, 1948, requesting an investigation of [REDACTED] who was being considered for employment by the Army. [REDACTED] asked whether the Bureau had ever replied to this letter. U

This morning [REDACTED] of the Correlation and Liaison Section called [REDACTED] back and advised him that our file reflects that the Army's letter was acknowledged on January 12, 1948, at which time the Army was advised that an investigation had been instituted and that upon completion the results would be furnished through channels. [REDACTED] admitted that he had the Bureau's acknowledgment and wanted to know if any further reply had ever been made. [REDACTED] pointed out to [REDACTED] that the reports of a full field investigation were sent to the Civil Service Commission in accordance with established procedures under the Loyalty Program on April 19, 1948. [REDACTED] further pointed out that our files show that individual copies of the loyalty reports were given to the Army through liaison channels on April 20, 1949. [REDACTED] indicated that this was true and he was in possession of these reports. This satisfied his inquiry in this regard and thereafter he asked [REDACTED] concerning the general evaluation of informants by the Bureau in Loyalty cases. [REDACTED] informed him that in each instance confidential informants are evaluated as to their reliability in loyalty reports, and suggested if he wanted to talk to someone familiar with the Loyalty Program to discuss the matter with [REDACTED] of the Loyalty Section. U

[REDACTED] thereafter pointed out to [REDACTED] that he was interested in knowing whether the Bureau's loyalty investigation had proved or disproved the original allegations against [REDACTED]. [REDACTED] informed him that we had conducted the investigation at the Army's request and that we had forwarded the reports reflecting the results of that investigation to the appropriate authorities and that the question as to whether the allegations were proven or disproven was a question for the Board adjudicating the matter to decide. [REDACTED] then asked whether, in those instances where an informant is evaluated by the Bureau as of known reliability, the statements of such informants could be taken as reliable. [REDACTED] stated that when the Bureau evaluated an informant as of known reliability, we did so on the basis of our past experience with that informant and that we had no reason to

question the reliability of the informant. He further pointed out to the Colonel that it was a matter for the Army to decide as to what evaluation they felt should be given to the statements of such informants. [redacted] indicated that he recognized this fact and [redacted] then indicated to [redacted] that if the Army had any question concerning the reliability of any particular informants in this case, if he would direct a letter to the Bureau we would endeavor to furnish any additional information regarding our experience with the informant consistent with security. [redacted] indicated he appreciated this fact but stated that he did not have time to direct such a letter to the Bureau since he was engaged in reviewing the matter apparently for the purpose of writing a summary on the case which "had to be out immediately." He further indicated that his inquiry had been satisfied. U

As you will recall, [redacted] has been identified as "Case No. 3" cited by Senator McCarthy on the floor of the Senate as reported in the Congressional Record of February 20, 1950. It appears from [redacted] closing remarks that the Army is aware of this and may be concerned over the fact that he is apparently still employed by the Army. U

It is noted that [redacted] was investigated by the Bureau at the Army's request but as an applicant for a position with the Quartermaster General of the War Department. Our file shows that the Regional Loyalty Board of the Fourth Civil Service Region had jurisdiction over the adjudication of the loyalty case pertaining to Meigs since he was an applicant apparently for a classified position. We received a disposition from the Loyalty Review Board under date of April 15, 1949, reflecting that [redacted] had been "retained" as an economist and educational specialist for the Department of the Army. This disposition, according to subsequent information set forth in file, was based on an adjudication of the case by the Fourth Civil Service Region Loyalty Board. Thus, the Army did not in fact adjudicate the loyalty case pertaining to [redacted] U

ACTION: None. There is attached a copy of a summary of the information developed during the loyalty investigation regarding [redacted] which was furnished to the Director by memorandum dated February 24, 1950, in connection with the original identification by the Bureau of 68 of the individuals mentioned by Senator McCarthy.

It appears that the only purpose for [redacted] call is the probability that the Army is concerned over Senator McCarthy's allegations regarding [redacted] and is looking for an "out." It further appears that the Bureau has fully discharged its responsibilities under the Loyalty Program in this case by providing reports to the Civil Service Commission in the first instance for further dissemination to the Army and in subsequently providing individual copies of the reports directly to the Army through Liaison channels. U

b7c

SENATE FOREIGN RELATIONS COMMITTEE

RECORDED - 58

March 29, 1950

Mr. Gladden William James
661 Maxwell Avenue
Boulder, Colorado

Dear Mr. James:

Your letter dated March 22, 1950, has been received.

With reference to the subject you discuss I thought you might like to read the copy of a statement I made before the Subcommittee of the Senate Committee on Foreign Relations on March 27, 1950. This statement contains my views in this regard.

Sincerely yours,

John Edgar Hoover
Director

Enclosure

Statement before Subcommittee of the Senate Committee on Foreign Relations, March 27, 1950.

Tolson _____
Ladd _____
Clegg _____
Glavin _____
Nichols _____
Rosen _____
Tracy _____
Harbo _____
Mohr _____
Tele. Room _____
Nease _____
Gandy _____

MAILED 17
MAR 30 1950
COMM - FBI

RECEIVED READING ROOM
MAR 29 5 29 PM '50
FBI
U.S. DEPT. OF JUSTICE

APR 25 1950

4497

661 Maxwell Ave.,
Boulder, Colo.,
March 12, 1950.

Hon. Edgar Hoover,
F. B. I.
Department of Justice,
Washington, D. C.

Dear Sir:

I am a natural born citizen of the United States, and
a taxpayer, also a hater of Communism.

I would like for you to tell me why it is necessary for
the President of the United States to give his consent before the
members of Congress or any of its committees can have access to
Loyalty Records of the Executive branch of the United States.
I want to know what laws, customs or the like regulate these matters.
If they are laws you don't need to quote them verbatim, only cite
them.

Thanking you very kindly for a short letter to advise me,
I am

Sincerely,

Gladden H. James
Gladden H. James

Gladden H. James

121-23278-59

APR 6 1950

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RECORDED - 56
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b7C

rec'd
ack 3-29-50

Announcing

GLADDEN WILLIAM JAMES

As Candidate for Nomination

FOR CONGRESS
2ND DISTRICT
COLORADO

Don't withhold your vote today and let me on the ballot for the Primary Election. If you do, I will tour this district and show you the serious threat that Russia and Communism are to the welfare of the United States of America and to the World, according to the Bible; also what God intends to do with Russia, and what we the people of the United States must do also. The children of Israel had something to do in connection with the atheism of ancient Egypt.

I will propose a perfect working plan to avoid labor strikes every year when new contracts are wont to be made. I will show you a way to make new contacts and strikes unnecessary. Many other helpful plans I have for the welfare of the United States. This is still democratic America. Give me your vote and insure me a place on the ticket. Thank you.

GLADDEN WILLIAM JAMES

661 Maxwell Ave.
BOULDER, COLORADO

For twenty years Evangelist and Missionary-at-Large.
Also candidate for Congress in the State of Pennsylvania.

12-1192-11
ENCLOSURE

121-23278-59

March 27, 1950

RECORDED - 26
INDEXED - 26

121-23278-60

~~66-725-297~~

[REDACTED]
Baltimore 12, Maryland

Dear [REDACTED]

Your letter dated March 22, 1950, has been received and I do want to thank you for your kind comments relative to the manner in which this Bureau has discharged its responsibilities.

I appreciate your letting me have your thoughts with regard to making FBI reports available in certain instances, and I thought you might like to know that this is not a matter within my discretion.

FBI files are maintained as confidential in accordance with instructions of the Attorney General of the United States. For your information, however, I feel very strongly that his policy in this regard is essential to the effective functioning of the FBI.

Sincerely yours,
J. Edgar Hoover

John Edgar Hoover
Director

RECEIVED
FBI
MAR 27 5 01 PM '50
U.S. DEPT. OF JUSTICE

RECEIVED DIRECTOR
FBI
MAR 28 9 27 AM '50
U.S. DEPT. OF JUSTICE

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Ladd _____
Clegg _____
Glavin _____
Nichols _____
Rosen _____
Tracy _____
Harbo _____
Mohr _____
Tele. Room _____
Nease _____
Gandy _____

MAILED 4
MAR 28 1950
COMM - FBI

68 APR 27 1950

March 22, 1950

Hon. Edgar J. Hoover,
Federal Bureau of Investigation,
Washington, D. C.

Dear Sir:

First of all, let me congratulate you and your Bureau on the magnificent job you have done for many years in the interest of our great country. Nothing but praise for you and your men is in order.

Now comes the matter of F.B.I. reports in the case of the accused personnel in Senator McCarthy's charges. I feel that Senator Tydings' Committee investigating these charges should have the F.B.I. reports on the State Dept. officials named. There is too much evidence that the Far Eastern Division of the State Dept. has acted consistently contrary to the interests of the U.S. How else can we get the truth, except by your reports?

Surely, with proper safeguards, you could make this information available to the Senate Foreign Relations Subcommittee who are investigating Senator McCarthy's charges.

Many good wishes and thanks for your wonderful work.

Sincerely,

63 APR 26 1950

Balto. 12, Md.

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COMMUNISTS IN THE
STATE DEPARTMENT

Office Memorandum • UNITED STATES

TO : THE DIRECTOR

DATE: March 22, 1950

FROM : D. M. Ladd

SUBJECT:

4496

Peyton Ford advised me that he was going to adopt the strategy of trying to get the committee to agree to let the Loyalty Review Board review the charges of the cases involved in Senator McCarthy's allegations and thus take the matter out of the hands of the Committee. He did not know whether this would meet with any success.

DML:dad

This certainly would be illogical as most of the cases I assume have been before the Board & have been cleared by the Board.

B.

b7C

RECORDED - 114

121-23278-60X

MAR 27 1950

UNITED STATES DEPARTMENT OF JUSTICE

March 23, 1950

2:50 PM

MEMORANDUM FOR MR. TOLSON
MR. LADD
MR. NICHOLS

Senator Brien McMahon called to advise me that there was some talk up on the Hill as to how Senator Joseph McCarthy was getting into our files and that the suggestion is never made that he is getting it from the State Department but that it must be coming from the FBI. Senator McMahon stated that unfortunately Senator Hickenlooper had asked Jessup, while he was on the stand, if he had not said to Owen Lattimore "will you go to China with me?" and of course that indicated a tap. He also commented that he felt the question as to whether the files should be made available will be stubbornly pressed as time goes on as he understands that McCarthy wrote something for this afternoon's release to the President in which he tells him that he is undermining the security of the country by not producing the files. I stated that of course my position was that it was up to the Attorney General to decide this issue; that I had previously expressed myself on the over-all policy as far back as the Coplon Case, and other cases that had arisen, that the files should not be made available. Further, I commented that I basically felt that when a person makes charges as have been made in this instance that it is certainly not incumbent upon the administration to prove the charges, in other words, if a man makes an allegation he should certainly be called upon to prove it himself, otherwise he should not have made the allegation. I stated that very serious accusations were made and now they were calling upon the FBI to produce its records and files to prove these allegations. I added that I felt this would set an over-all bad precedent; that if this can be done in one case, anyone else, either on the House side or the Senate side, can get up and make charges and demand that we produce the files, and if they are produced one time and refused another time then the assumption is going to be made that we are afraid to produce them. I stated it did not necessarily follow that if the files were produced they would sustain these allegations; that, as a matter of fact, I did not know what cases McCarthy was referring to except the nine that he has publicly named. Senator McMahon interrupted me at this point to comment that of course I knew who McCarthy meant by the top espionage agent and I stated that I assumed he was talking about Owen Lattimore but I was puzzled as to some of the statements that had been made.

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Senator McMahon then advised me that a stenographic transcript had been made of the proceedings and he thought I might like to look it over. I commented that I would very much like to see this especially in view of the general assumption that McCarthy is getting his information from the FBI. He stated he would send me the transcript.

SENT FROM D. O.

TIME 4:15 pm

DATE 4-28-50

BY

55 MAY 1 1950

In regard to the speculation as to the source of McCarthy's material I advised Senator McMahon that yesterday [redacted] the newspaper woman, called and in my absence talked to Mr. Nichols. I informed him that she inquired as to whether McCarthy was getting his information from here and she was told that this was a perfectly outrageous question as obviously we would not do that, and then she queried Mr. Nichols as to my friendship for McCarthy and as to my supposedly Republican background and she was informed that many of the Senators were considered as my friends but that I hadn't seen McCarthy for weeks since this thing happened because I had purposely refrained from being any place where I might come in contact with him. She was also advised that I had been appointed in the Department under a Democratic administration and had served under both Republican and Democratic Attorneys General. I advised Senator McMahon that [redacted] was quite hostile toward the Bureau and explained to him generally the basis for the same. U

In regard to the general assumption that this information was coming from the FBI I told the Senator that I, too, was very much puzzled as to where this was coming from; that I had certain suspicions but did not know whether they were very well founded. However, I stated that I believed McCarthy had either employed some ex-Agents of the Bureau or had been in contact with them. McMahon interrupted me at this point to state that McCarthy had said he had three ex-Agents working for him. Further, I commented that I understood that [redacted] was working for him and [redacted]

[redacted] The Senator was advised that I had requested a complete summary on the Lattimore case so that I would know what the facts were in back of it. I stated that we had never made a loyalty investigation on Lattimore because the State Department had never asked for one [redacted]

McMahon stated that of course as a matter of fact he, Lattimore, has never been in the strictest sense an employee of the State Department. Senator McMahon stated he was very much concerned because McCarthy had stated he had the facts and he was willing to stand or fall on this one particular case, the Lattimore Case, though when he was asked if he had actually seen the files he said no and he was very evasive when asked if he had seen photostatic copies of the file or evidently; had talked with someone who had seen the copies. McMahon told McCarthy that if he had open access to the file then certainly his committee would want access to the file. U

I stated very confidentially to Senator McMahon that last Sunday night in his broadcast Walter Winchell mentioned a fellow by the name of Adams; that he U

said the FBI had Adams in custody and the State Department ordered the FBI to release him and that Adams was a top Russian spy. I stated that this was not correct at all; that we had not had Adams in custody at any time; we had him under surveillance and while he was under surveillance an ex-Agent of the Bureau went to the New York Journal American and told them the story about Adams and they printed it over my protests and Adams disappeared. I further commented that Winchell called me last night and stated that someone in Washington had called him for details regarding Adams and he was advised that his information on Adams was incorrect, and that if the person in Washington who was asking for this information was some Member of Congress or in a position where they think they can use such information and he did not want to disclose his source of information he ought to tell them so. I stated his source was a party in New York City who, I thought, had gotten it from an ex-Agent and I did not know whether this ex-Agent was deliberately lying or whether by lapse of time he had gotten his memory twisted because these statements were not true. I stated it was merely a surmise but I felt probably the same thing had happened to McCarthy and of course it was even possible that some disgruntled State Department employee could be feeding him a lot of stories. U

I commented that I did not know McCarthy had staked all on this particular case and I was only assuming it was Lattimore. I stated that when these cases were mentioned in the papers they were unnamed and we tried to match them with our information but did not know how successful we were and that at first we thought McCarthy was referring in this particular case to [REDACTED] but finally figured it must be Lattimore. I stated that I felt in this case as I did in the Coplon Case that any material in our files should be kept confidential; that if one committee were permitted access to our files then there was no reason why another committee should not have access to them, and of course there was the possibility that they U

might be used as a political football. I stated, however, that of course if the President, who has the final decision, decides it has to be done then it has to be done. I then discussed with him generally the various aspects of our problem regarding the confidential status of our files.

Very truly yours,

S / JEH

John Edgar Hoover
Director

u

cc-Mr. Nease

JEH:EH

FROM

DO-7

OFFICE OF DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

TO

OFFICIAL INDICATED BELOW BY CHECK MARK

Mr. Tolson _____
Mr. Clegg _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Rosen _____
Mr. Tracy _____
Mr. Gurnea _____
Mr. Harbo _____
Mr. Belmont _____
Mr. Mohr _____
Mr. Nease _____
Miss Gandy _____

*Review done.
It was furnished
by Sen. McMahon.*

See Me _____ ()
Note and Return _____ ()
For Your Recommendation ()
What are the facts? ()
Remarks: _____

*add memo to Director
3-24-50*

676

121-23278-62

ENCLOSURE *62-23278-62*

Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

DATE: March 24, 1950

FROM : MR. D. M. LADD

SUBJECT: PROPOSAL BY SENATE SUBCOMMITTEE ON
FOREIGN RELATIONS TO OBTAIN FBI FILES

PURPOSE

To review the discussion at an Executive Session of the Senate Subcommittee, Committee on Foreign Relations, held on March 21, 1950, under chairmanship of Senator Tydings. Others present were Senators Green, McMahon, and Hickenlooper of the Committee, and Senator McCarthy. On a routing slip attached to a transcript of the proceedings you wrote: "Review at once. It was furnished by Sen. McMahon."

FACTS

*Congressional material not
subject to FOIA act*

Tolson ☒
Ladd ☒
Clegg ☒
Glavin ☒
Nichols ☒
Rosen ☒
Tracy ☒
Harbo ☒
Mohr ☒
Tele. Room ☒
Nease ☒
Gandy ☒

ENCLOSURE BEHIND FILE

RECORDED - 34

INDEXED - 34

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121-23278-62

121-39779-146

UNRECORDED COPY FILED IN

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XXXXXXFEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET2

Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- ☐ Deleted under exemption(s) _____ with no segregable material available for release to you.
- ☐ Information pertained only to a third party with no reference to you or the subject of your request.
- ☐ Information pertained only to a third party. Your name is listed in the title only.
- ☐ Document(s) originating with the following government agency(ies) _____, was/were forwarded to them for direct response to you.

_____ Page(s) referred for consultation to the following government agency(ies); _____ as the information originated with them. You will be advised of availability upon return of the material to the FBI.

_____ Page(s) withheld for the following reason(s):

☒ For your information: *This is congressional material - not subject to the Freedom of Information Act.*

☒ The following number is to be used for reference regarding these pages:

121-23278 - 62 p. 2, 3, 4

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 X NO DUPLICATION FEE X
 X FOR THIS PAGE X
 XXXXXXXXXXXXXXXXXXXX

PHILIP CARYL JESSUP
Deputy U. S. Representative
United Nations Security Council
New York City

Background:

Philip Caryl Jessup was born at New York, New York, on January 8, 1927, as the son of Henry Wynne Jessup born in Syria and Mary May Statesbury born in Philadelphia, Pennsylvania. Jessup attended Columbia University where he received a Doctor of Philosophy degree on June 1, 1927. He was admitted to the District of Columbia Bar in 1925, and to the New York State Bar in 1927. From 1927 to 1943, he was a member of the Law Firm of Parker and Duryee, New York City. Since 1928, he has been a member of the Faculty of Columbia University at New York City. During 1924 and 1925, he was Assistant Solicitor for the U. S. State Department. In 1928, he served as Assistant to Elihu Root at the Conference of Jurists on a Permanent Court of International Justice. He lectured at the Academy of International Law at the Hague during 1929, and in 1930, was Legal Advisor to the American Ambassador to Cuba. Jessup held the position of Chairman of the Office of Foreign Relief in the U. S. Department of State from February until December, 1943. During 1943, and 1944, he also served as Assistant Secretary General at the United Nations Relief and Rehabilitation Administration Conference and the Bretton Woods Conference. Jessup is the author of numerous books dealing with International Law.

Basis for Investigations

On May 28, 1948, a Loyalty of Government Employees investigation was instituted on Philip Caryl Jessup for the position of "Member, U. S. Mission to the United Nations, U. S. Department of State" on the following basis:

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b6

ENCLOSURE

~~62-37717-177~~
121-23-75-62

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XXXXXXFEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

4 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- ☒ Deleted under exemption(s) b 7 (c) (d) b 6 with no segregable material available for release to you.
- ☐ Information pertained only to a third party with no reference to you or the subject of your request.
- ☐ Information pertained only to a third party. Your name is listed in the title only.
- ☐ Document(s) originating with the following government agency(ies) _____, was/were forwarded to them for direct response to you.

_____ Page(s) referred for consultation to the following government agency(ies); _____ as the information originated with them. You will be advised of availability upon return of the material to the FBI.

_____ Page(s) withheld for the following reason(s):

☐ For your information: _____

- ☒ The following number is to be used for reference regarding these pages:

121-23278-62 encl p. 2, 3, 4, 5

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 X FOR THIS PAGE X
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[REDACTED]

Disposition:

The Bureau was advised by the Loyalty Review Board by Disposition Sheet dated February 4, 1949, that Jensen had been "retained."

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b6

4

OM

DO-7

OFFICE OF DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

TO

OFFICIAL INDICATED BELOW BY CHECK MARK

Mr. Tolson _____
Mr. Clegg _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Rosen _____
Mr. Tracy _____
Mr. Gurnea _____
Mr. Harbo _____
Mr. Belmont _____
Mr. Mohr _____
Mr. Nease _____
Miss Gandy _____

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file
3/27/50

See Me _____ ()
Note and Return _____ ()
For Your Recommendation ()
What are the facts? ()
Remarks:

Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

DATE: March 24, 1950

FROM : D. M. Ladd

SUBJECT:

For record purposes, it should be noted that I attended a conference with you in the office of the Attorney General on the late afternoon of March 23. Also present were Messrs. Peyton Ford and James McInerney. On that occasion, the Attorney General called attention to the demand by the Congressional Committee on the President for the production of the files in connection with Senator McCarthy's charges of State Department employees.

You outlined very completely and thoroughly your position with reference to the production of such files, i.e., that it would be an extremely bad precedent, that in the event any change was made from previous rules with reference to the production of files that the matter would continue to plague the Department and the Bureau on every case that came up for discussion on the Hill. You further pointed out that every President since George Washington had refused to produce files and had been upheld by the Courts. The Attorney General indicated that he thoroughly concurred in your views and Mr. Peyton Ford indicated that he had, as previously advised, pointed out to Senator Tydings and others the position of the Department and the Bureau.

The Attorney General, however, exhibited a note to you which he had received from the President in Florida, which indicated that the President thought that the position of the Department was peculiar and that he, the President, might have to take some other action. The Attorney General indicated that in light of this, he thought that it was necessary to immediately make some definite ruling. You concurred and pointed out that time was of the essence that a definite position should be taken immediately and that this position should be maintained.

The Attorney General indicated that one of three positions could be adopted:

- (1) The Department should make the files available to the Committee, in accordance with their request.
- (2) The Attorney General could, on a confidential basis, in Executive Session, have the Committee call at his office and read your summary memorandum to the Committee, after securing assurance that it would be treated in strict confidence. The memorandum would not be made available to the Committee.

- (3) The Attorney General could ask the Committee to

submit questions that they were interested in in connection with this matter and the Attorney General could prepare a letter back to the Committee giving the answer to those specific questions.

The Attorney General stated he thought in the light of the President's letter, it would be necessary that he talk to the President and make some definite recommendation, otherwise he was fearful that the President would be advised by his advisors in Florida to make the files all available. In view of that, the Attorney General indicated that he would be inclined to adopt the second, namely, to read the memorandum to the Committee in Executive Session.

You advised the Attorney General that your position was still the same, that you felt the files should not, under any circumstances be made available, that you would defer to his judgment with reference to Item #2; that, however, if this was done, a definite position should be taken that the files would not be made available at this time and in no circumstances would that position be altered once the memorandum had been read to the Committee.

You suggested the desirability of a statement being issued by the Department advising of the position adopted by the Department and including a statement that the files would not be made available.

The Attorney General indicated that he thought this was a good idea and suggested the desirability of a joint statement.

During the time that you were in the Attorney General's office, the Attorney General received a call from Senator Tydings who informed the Attorney General that he felt that the administration was losing ground in this argument with McCarthy and that a decision should be made by the Department one way or the other immediately; that if the decision was that the files would not be made available, it would be necessary for the committee to request the appearance of the Attorney General and yourself either by subpoena or by letter to appear before the Committee and explain to them why the files could not be made available.

The meeting concluded with the Attorney General indicating that he was going to propose to the President the reading of the memorandum, as set forth in Item #2 above.

STATEMENT OF
GENERAL J. HOWARD WOOD
BEFORE
SUBCOMMITTEE OF THE SENATE COMMITTEE ON FOREIGN RELATIONS
4:30 P.M., MARCH 27, 1950

Mr. Chairman: I appreciate the opportunity of appearing before your Committee today, together with the Director of the Federal Bureau of Investigation, in order to discuss with you a serious problem that has arisen in the course of the investigation that you are conducting pursuant to Senate Resolution 231. There has been a great deal of talk about the production before your Committee of loyalty and investigative files relating to the persons against whom Senator McCarthy has brought charges of disloyalty. I think that it is well that we should discuss this matter together at this time in the interest of clarifying some of the issues.

I need not remind you that it is only a matter of months since I myself was a member of that great body of which this Committee is a part, the United States Senate. Having had the privilege of serving in the Senate, as well as in the Executive Branch, I am fully aware and indeed extremely sensible of the degree of cooperation that must exist between the legislative and Executive branches of the Government if we are to make our tripartite system of government work.

Cooperation, however, is but one facet of the key to the solution of our problem. If our tripartite system is to work, each branch must also carefully avoid encroaching upon the prerogatives of the other.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

Communicated to 30 State 10-7-50

9-7
50 APR 18 1950

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17 APR 1950

66-2225-1
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This is such a basic principle that it was recognized as early as the administration of our first President. On February 22 last, the very day on which the Senate agreed to the Resolution under which this Committee is proceeding, the Farewell Address of President Washington was read in the Senate chamber. I call your attention to one paragraph of that Address, which appears on page 2158 of the Congressional Record of February 22, and which to me aptly states the principles by which we must be governed. President Washington stated:

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. * * * If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.--But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

President Washington was speaking from personal experience with the very problem we now have before us--namely, a request by a congressional Committee for the production of documents which in the opinion of the Executive branch must be held confidential in the public interest. The problem, you see, is as old as the Government itself.

In March of 1792, the House of Representatives adopted a resolution establishing a Committee to inquire into the causes of the failure of the expedition under Major General St. Clair, and empowering that Committee to call for such papers and records as might be necessary to assist the Com-

mittee in its inquiries. The House based its right to investigate on its control over the expenditure of public money. When the Committee asked the President for the papers relating to the campaign, President Washington called a meeting of his Cabinet. Present were Thomas Jefferson, Secretary of State, Alexander Hamilton, Secretary of the Treasury, Henry Knox, Secretary of War, and Edmund Randolph, the Attorney General. The President stated that he had called his Cabinet together because this was the first demand on the Executive for papers within his control and he desired that in so far as the action taken would constitute a precedent, it should be rightly conducted. President Washington readily admitted that he had no doubt of the propriety of what the House was doing, but he did conceive that there might be papers of so secret a nature that they ought not be given up. The President and his Cabinet came to a unanimous conclusion as follows:

First, that the House was an inquest, and therefore might institute inquiries. Second, that it might call for papers generally. Third, that the Executive ought to communicate such papers as the public good would permit, and ought to refuse those, the disclosure of which would injure the public.

The precedent there set by President Washington and his Cabinet was followed in 1796 when he refused to comply with a resolution of the House of Representatives which requested him to lay before the House a copy of the instructions to the United States Minister who negotiated a treaty with Great Britain, together with the correspondence and documents relating to that treaty. In declining to comply, President Washington stated: "As it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the various departments should be preserved, a just regard to the Constitution and to the duty of my office * * * forbids a compliance with your request."

It was because of such experiences that President Washington felt called upon to refer, in his Farewell Address, to the importance of maintaining the independence of our separate branches of government. Later, President Jefferson refused to allow two members of his cabinet to supply documents at the trial of Aaron Burr. In 1825 President Monroe declined to comply with a request of the House of Representatives to transmit to the House certain documents relating to the conduct of naval officers. In 1833 President Jackson refused to comply with a Senate request that he communicate to it a copy of a paper purporting to have been read by him to the heads of the executive departments relating to the removal of the deposits of public money from the Bank of the United States. In 1886 President Cleveland supported his Attorney General's refusal to comply with a Senate resolution calling for documents and papers relating to the removal of a District Attorney. Similarly, in 1843, a resolution of the House of Representatives called upon the Secretary of War to communicate to the House the reports made to the War Department by Lt. Col. Hitchcock relative to the affairs of the Cherokee Indians, together with all information communicated by him concerning the frauds which he had been charged to investigate. The Secretary of War advised the House that he could not communicate information which Col. Hitchcock had obtained in confidence, because it would be grossly unjust to the persons who had given the information. The House, however, claimed the right to demand from the Executive and heads of departments such information as may be in their possession relating to subjects of deliberations of the House. President Tyler, in a message

dated January 31, 1843, said in part:

And although information comes through a proper channel to an executive officer, it may often be of a character to forbid its being made public. The officer charged with a confidential inquiry, and who reports its result under the pledge of confidence which his appointment implies, ought not to be exposed individually to the resentment of those whose conduct may be impugned by the information he collects. The knowledge that such is to be the consequence will inevitably prevent the performances of duties of that character, and thus the Government will be deprived of an important means of investigating the conduct of its agents.

President Tyler also declined to comply with a resolution of the House of Representatives which called upon him and the heads of departments to furnish information regarding such members of the 26th and 27th Congresses as had applied for office in the executive branch. In so refusing, President Tyler stated:

Applications for office are in their very nature confidential, and if the reasons assigned for such applications or the names of the applicants were communicated, not only would such implied confidence be wantonly violated, but, in addition, it is quite obvious that a mass of vague, incoherent, and personal matter would be made public at a vast consumption of time, money, and trouble without accomplishing or tending in any manner to accomplish, as it appears to me, any useful object connected with a sound and constitutional administration of the Government in any of its branches.

In my judgment a compliance with the resolution which has been transmitted to me would be a surrender of duties and powers which the Constitution has conferred exclusively on the Executive, and therefore such compliance can not be made by me nor by the heads of Departments by my direction.

These are only a few of the precedents to be found in the constitutional history of our Government; many more could be referred to.

Although I have mentioned only a few of the precedents, I might add that almost every President has found it necessary at some time during his administration to decline, for reasons of public policy, to furnish confidential papers to congressional committees. The courts have recognized this constitutional prerogative of the Chief Executive and the great constitutional scholars uniformly agree that it is for the President to determine what papers and information in the Executive branch must be retained in confidence in the public interest. William Howard Taft, following his term as President and prior to his appointment as Chief Justice, summarized the situation succinctly and accurately when he wrote in his book, The Chief Magistrate:

The President is required by the Constitution from time to time to give to Congress information on the state of the Union, and to recommend for its consideration such measures as he shall judge necessary and expedient, but this does not enable Congress or either House of Congress to elicit from him confidential information which he has acquired for the purpose of enabling him to discharge his constitutional duties, if he does not deem the disclosure of such information prudent or in the public interest.

It is against this background that we must consider President Truman's directive of March 13, 1948, concerning the confidential nature of loyalty files. Against this same background we must consider this Committee's request for the production of such files.

In his directive, the President stated:

The efficient and just administration of the Employee Loyalty Program, under Executive Order No. 9835 of March 21, 1947, requires that reports, records,

and files relative to the program be preserved in strict confidence. This is necessary in the interest of our national security and welfare, to preserve the confidential character and sources of information furnished, and to protect Government personnel against the dissemination of unfounded or disproved allegations. It is necessary also in order to insure the fair and just disposition of loyalty cases.

For these reasons, and in accordance with the long-established policy that reports rendered by the Federal Bureau of Investigation and other investigative agencies of the executive branch are to be regarded as confidential, all reports, records, and files relative to the loyalty of employees or prospective employees (including reports of such investigative agencies), shall be maintained in confidence, and shall not be transmitted or disclosed except as required in the efficient conduct of business.

At the time of issuing this directive, the President specifically referred to some of the precedents that I have mentioned this afternoon and called particular attention to the sound reasons of public policy requiring the maintenance of the confidential status of loyalty files. The President referred to an opinion rendered by Attorney General Jackson at a time when, at the direction of President Roosevelt, he declined to furnish certain reports of the Federal Bureau of Investigation to the House Committee on Naval Affairs, as follows:

Disclosure of the reports could not do otherwise than seriously prejudice law enforcement. Counsel for a defendant or prospective defendant, could have no greater help than to know how much or how little information the Government has, and what witnesses or sources of information it can rely upon. This is exactly what these reports are intended to contain.

Disclosure of the reports at this particular time would also prejudice the national defense and be of aid and comfort to the very subversive elements against which you wish to protect the country. For this reason we have made extraordinary efforts to see that the results of counterespionage activities and intelligence activities of this Department involving those elements are kept within the fewest possible hands. A catalogue of persons under investigation or suspicion, and what we know about them, would be of inestimable service to foreign agencies; and information which could be so used cannot be too closely guarded.

Moreover, disclosure of the reports would be of serious prejudice to the future usefulness of the Federal Bureau of Investigation. As you probably know, much of this information is given in confidence and can only be obtained upon pledge not to disclose its sources. A disclosure of the sources would embarrass informants--sometimes in their employment, sometimes in their social relations, and in extreme cases might even endanger their lives. We regard the keeping of faith with confidential informants as an indispensable condition of future efficiency.

Disclosure of information contained in the reports might also be the grossest kind of injustice to innocent individuals. Investigative reports include leads and suspicions, and sometimes even the statements of malicious or misinformed people. Even though later and more complete reports exonerate the individuals, the use of particular or selected reports might constitute the grossest injustice, and we all know that a correction never catches up with an accusation.

With respect to files which this Committee has requested, their disclosure would, it seems to me, seriously impair the effectiveness of the Employee

Loyalty Program. It would subject the persons in question to a type of double jeopardy which is contrary to sound concepts of good government, fairness, and justice. It would also make it extremely difficult, if not impossible, for the Federal Bureau of Investigation to perform its investigative duties. The Federal Bureau of Investigation conducts all investigations under the Employee Loyalty Program. Loyalty files, therefore, are for all practical purposes F.B.I. files. Mr. Hoover is here to give you his view, which he has held for many years, of the damaging effect that would be caused by the disclosure of such files. I know of no one better qualified to speak on this subject. I am in thorough accord with his views in this regard.

It is my opinion--for the reasons stated--that loyalty and investigative files should be preserved in strict confidence.

4495

March 24, 1950

44:18 PM

MEMORANDUM FOR MR. TOLSON
MR. LADD
MR. NICHOLS

I called the Attorney General to give him the results of my conversation with Senator Joseph McCarthy. I stated that McCarthy said Senator Tydings made a statement on the Floor that I was to appear there on Monday afternoon and that information had been out that I would be there to express my views as to the release of the files. I stated that I told McCarthy that that was correct but that I didn't know it had been announced; that I understood it was a confidential matter at the present time. The Attorney General was then informed that McCarthy asked me if I was going to discuss the files and I said I was not and I then inquired of him as to where he had been getting his information about the so-called top espionage agent. I commented that McCarthy stated he could not disclose where he got but said it came from a very reliable source at which I remarked that I was serious because we certainly did not have that information. I advised the Attorney General that I remarked to McCarthy that I was just wondering if he was getting straight information or if someone was planting some phony material on him and trying to get him out on a limb. I stated that McCarthy insisted his information was very reliable and I suggested to him that it might be a good idea for him to get it in affidavit form. I told the Attorney General that McCarthy then asked me if I thought the files would be made available and I told him I did not know; that at the present time they were not available to anyone and commented that the opinion of the Attorney General as well as my own on this matter was very well known. I stated that McCarthy told me he was going to keep on asking for the files and I told him that was his prerogative but I wanted him to be sure he was on the right track and to urge him to be very sure of his allegations and accusations. I stated that I mentioned the question of Jessup being in touch with Lattimore by telephone and that I had told McCarthy we had no such information but he, McCarthy, stated he had the information from other sources and I had commented I did not know who else would be investigating Lattimore. I further stated that the Senator indicated he was going to make some statements over the week-end; that he had thought the announcement by Senator Tydings was just window dressing; that everyone knew what I thought about the files. I stated I again urged him to be very sure of his charges before making them. The Attorney General was in agreement with this.

Very truly yours,

John Edgar Hoover
Director

SENT FROM D. O. RECORDED 125/56
TIME 6:20 PM
DATE 3-24-50
BY [initials]

MAR 30 1950

cc-Mr. Nease
JEM: H

Tolson

Ladd

Clegg

Glavin

Nichols

Rosen

Tracy

Harbo

Tele. Room

Nease

Gandy

Opening The Files

By Marquis Childs

Let J. Edgar Hoover Testify

SENATOR McCarthy began by charging in his first political speech that there were 207 card-carrying members of the Communist Party in the State Department. When he used this same speech a little later in Nevada, the figure 207 had been crossed out and 57 written in.



Childs

Up to the moment of this writing it has not been established on the basis of McCarthy's presentation that there is or ever was a Communist Party member in the department. This is a fact that should not be lost sight of.

It becomes doubly important in view of the speech of Republican Chairman Guy George Gabrielson at Lincoln, Nebr. That speech lends considerable official party backing to the McCarthy line. It refutes those who have been saying that he is acting on his own while the party leadership looks on worried about the next move their irresponsible prankster may make. Gabrielson says, "We have to long tolerated communism within our Government." He says, "We must drive them out!" This goes quite a way toward making it official.

Now this may be good politics. Gabrielson directs the same kind of attack against Americans for Democratic Action, which has been a highly effective spark plug of the Democratic Party. The elections this fall will be in some measure a test of the anti-Communist, anti-Socialist line of the GOP.

BUT there are other considerations that overshadow the outcome of the next election or even the election after that and after that. The future form of this Government is conceivably at stake—concepts and traditions going back to the founding of our system.

Republican Senators are demanding that confidential files of the executive branch of the Government be opened to Senate inspection. Even though presumably this would be done in executive session, the material in these files would certainly be "leaked." A concept preserved since the time of George Washington would have been destroyed and a dangerous precedent established.

On the immediate and practical side, the efficient functioning of the Federal Bureau of Investigation would be impaired. Even though he is reluctant, and properly so, to give public testimony on matters of public policy, the Senate committee should call on FBI Director J. Edgar Hoover for his opinion on opening the files.

There can be little doubt what that opinion would be. The issue arose in the first trial of Judith Coplon. Miss Coplon's attorneys persuaded the judge that the FBI files should be opened.

After the first three or four files were spread on the record Hoover made a strenuous protest to the then Attorney General, Tom Clark. He pointed out that serious injustice was being done to individuals by putting under public gaze hearsay and rumor—the raw material of the FBI files—intended only for confidential use. He also pointed out with great emphasis that if this practice were to be followed in other cases, the usefulness of the FBI would rapidly diminish.

AT THE first Coplon trial it will be recalled, the Department of Justice went so far as to suggest that if it came down to making the files public in relation to vital evidence in the case, the evidence might be withheld. That is a measure of how seriously the FBI took this action.

It may be, of course, that the Republicans do not really want the confidential files opened. They may want to have their request refused so they can say that the refusal cloaks the guilt of individuals, who have not been successfully tagged as "pro-Communist" by random accusations.

But if the request is granted, those who have forced the decision should at least have a clear understanding of its immediate and practical consequences. The man who can make that unmistakably clear is FBI Director Hoover.

As was pointed out in this space, his opposition to the Smith amendment attached to the National Science Foundation bill was stated in a letter sent to Congress by the assistant to the Attorney General. That amendment would make the FBI detective, policeman, judge and jury. Hoover gave it as his opinion that the FBI does not want powers which would create a state police organization.

The raw material of the FBI files may be compared to a newspaper reporter's notes. Material that cannot be verified or that is plainly libelous is not included in a news story. Government must be permitted the same responsibility of privacy for the raw material of confidential Government investigations.

Very well stated.

INDEXED -

121-23278-65

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APR 6 1950

Page

Times-Herald

Wash. Post

Wash. News

Wash. Star

N.Y. Mirror

Date: MAR 24 1950

5 APR 7 1950

INCOMING TELEGRAM

Received in the State Department
through Liaison channels

Date

4/4/50

TELEGRAPH BRANCH

DEPARTMENT OF STATE—DIVISION OF COMMUNICATIONS AND RECORDS

Action: NEA

Info:

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21

DDR

Control 13344

Rec'd March 29, 1950
11:28 a.m.

FROM: New Delhi

TO: Secretary of State

LO: 423, March 29, 3 p.m.

REEMTEL 367, March 23.

Only one more editorial on McCarthy charges. Hitalade of Nagpur commented: "recall of ~~McCarthy~~, who was patiently building up anti-Communist front in Asia will not strengthen US diplomacy. To the Republicans all is Red that is not reactionary. Democratic Party has repeatedly trounced Republicans but they determined never to learn. US masses not so much enamoured of private enterprises as Republicans would have it. Every Liberal in US now under fire and apparently policy of Republican Party is to try to return to power on wave of anti-Russian, anti-Communist hysteria engendered by their reactionary veterans. Loyalty check up of State Department employees will yield little more than verbal ppr-techniques".

HENDERSON

END:INGG

INDEXED

1121-23278-65X

NOT
34 JUN 15 1950

RESTRICTED

3 JUL 6 1950

INFORMATION COPY

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. NICHOLS

FROM : F. C. HOLLOMAN

SUBJECT: ROBERT J. MORRIS

DATE: 3-24-50

Tolson ☒

Ladd ☒

Clegg ☐

Glavin ☐

Nichols ☐

Rosen ☐

Tracy ☐

Harbo ☐

Mohr ☐

Tele. Room ☐

Nease ☐

Gandy ☐

In regard to the letter from Senator Hickenlooper regarding the proposed appointment of Robert J. Morris as Assistant Counsel to the Investigation Committee, pursuant to your instructions I called ASAC Whelan in New York regarding Morris and he advised that he was a member of the Law Firm of Hochwald, Morris and Richmond who have offices at 40 Exchange Place, New York City. He stated that Morris was a New York secretary of Congressman Coudert and was formerly a secretary for Congressman Coudert when Coudert was a Senator at which time he was engaged in Communist investigations. Morris was a Lieutenant Commander assigned to the Third Naval District, O.N.I. assigned to Communist Investigations during World War II. Whelan stated that Morris was a member of the "Anti Communist Intelligencia" of New York. U

Morris is personally known to Agent [REDACTED] who stated that Morris has always been most cooperative with the Bureau and holds the F.B.I. in highest esteem. Whelan stated that no investigation had been made on Morris and there was nothing derogatory concerning him in their files. U

67

RECORDED - 18

INDEXED - 18

121-22278-66

162-11922-13

MAR 29 1950

4494

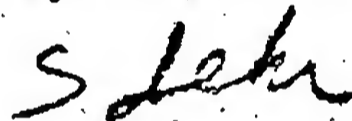
March 24, 1950

3:08 PM

MEMORANDUM FOR MR. TOLSON
MR. NICHOLS
MR. LADD

I called the Attorney General to advise him that I had received a telephone call from Senator Joseph McCarthy requesting to see me and I had told him that of course I would be glad to see him and speak to him, or anybody else that dropped by at any time. I told the Attorney General that McCarthy said he would come down this afternoon and I wondered if he, the Attorney General, would have any objection to my asking McCarthy point blank as to where he is getting his information. I further stated that I imagined he wanted to talk about something on the Lattimore case. The Attorney General stated he had no objection and in fact thought perhaps I could give him some good advice. I told the Attorney General that I would call him after I had seen Senator McCarthy.

Very truly yours,



John Edgar Hoover
Director

SENT FROM D. C.
TIME 6:30 pm
DATE 3-24-50
BY JEH

RECORDED - 124
INDEXED - 124

cc-Mr. Nease

JEH:EH

EX-8

MAR 30 1950

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343 / 66 A
1000

Report from the State Department
on the subject of

3/3/44
List of Compensation

MEMBERS MENTIONED BY SENATOR MCCARTHY DURING APPEARANCES
BEFORE THE SUBCOMMITTEE OF THE
SENATE FOREIGN RELATIONS COMMITTEE

Name Entered on Duty

Secretary of State
At time of Appointment
Asst. Secretary of State for Administration
At time of Appointment

Present Status

Secretary of State
At time of Separation
Asst. Secretary of State for Administration
At time of Separation

3/8/44

Hull

Slaw

Presently employed

This case appears as Number 47 in Senator McCarthy List of 61 - Congressional Record 2/20/54

1/30/43

Hull

Shaw

Resigned 10/5/46

Dynos

Russell

2/19/42

Hull

Shaw

Presently employed

10/15/24
2/1/43

Hughes
Hull

Carr
Shaw

Resigned 1935
Separated by transfer to Foreign Economic Administration 7/30/44

Kellogg
Hull

Carr
Shaw

9/5/45

Dynos

McCarthy

Resigned 2/12/47
(Completion of assignment)

Marshall

Pearlroy

4/25/47

Marshall

Pearlroy

Terminated 12/5/47
(Completion of assignment)

Marshall

Pearlroy

1/5/48

Marshall

Pearlroy

Terminated 3/1/49
to accept appointment as Ambassador-at-Large

Acheson

Pearlroy

3/1/49

Acheson

Pearlroy

Presently employed

This case is Number 15 on McCarthy List

CONFIDENTIAL

INDEXED - 121-23278-67

DEC 8 1971

XEROXED ORIGINAL-RETAIN


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<u>Name</u>	<u>Entered on Duty</u>	<u>Secretary of State At time of Appointment</u>	<u>Asst. Secretary of State for Administration At time of Appointment</u>	<u>Present Status</u>	<u>Secretary of State At time of Separation</u>	<u>Asst. Secretary of State for Administration At time of Separation</u>
KENYON, Dorothy	11/8/46 When actually employed U.S. Member Commission on Status of Women in Economic and Social Council	Byrnes	Russell	Terminated 12/31/49 (Completion of Assignment)	Acheson	Pearlroy
McTIBBIE, Owen	10/15/45 U.S. Representative Mission to Tokyo at the request of Admin. State ^{State} . 6/5/46 Mr. McTibbie made a speech to a group of State Dept. employees on this date.	Byrnes	Russell	Terminated 2/12/46 (Completion of Assignment)	Byrnes	Russell
Schuman, Frederick L.	10/6/43 Subject to confirmation on Admin. State ^{State} without compensation	Acheson	Pearlroy	Terminated 10/8/49 (Completion of Assignment)	Acheson	Pearlroy
Service, John Stuart	6/5/46 Mr. Service gave a one-hour lecture at the Foreign Service Institute on June 19, 1946.	Tracy	Tracy	Presently employed		
Stimpfle, Harlow	6/5/46 When assigned to National Commission, Executive Committee of the American Association for the Advancement of Science, Dr. Stimpfle was one of the Association and was one of the members of the National Com- mission by the Secretary of State.	Tracy	Pearlroy	Presently has a without compensation appointment		

~~CONFIDENTIAL~~

b7c

INSTRUCTIONS: This form is to be removed from file by a Filing Unit employee only upon the return of the item.

Subject <i>Communist in State Department</i>		
Type of Mail		Date of Mail
<input type="checkbox"/> Report		
<input type="checkbox"/> Incoming letter		
<input type="checkbox"/> Outgoing letter		
<input type="checkbox"/> Memorandum		
<input type="checkbox"/> Airtel		
<input type="checkbox"/> Teletype		
<input type="checkbox"/> Enclosure (describe)		
<input type="checkbox"/> Laboratory Work Sheet		
<input type="checkbox"/> Personnel Security Questionnaire (PSQ)		
<input type="checkbox"/> Loyalty Form		
<input checked="" type="checkbox"/> Other (describe) <i>List of names on Senator McCarthy</i> <i>List NR 3-24-50</i>		
Removed for	Removed by	Date of Removal
<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Miss <input checked="" type="checkbox"/> Room <i>4913 / Cons.</i>		<i>5/15/81</i>
Reason for Removal		
<input type="checkbox"/> For copying (If for another agency, list agency and date of request.)		
<input type="checkbox"/> To send to		
<input type="checkbox"/> To attach to		
<input checked="" type="checkbox"/> For office use <i>Expunge merit</i>		
<input type="checkbox"/> For change to another file		
<input type="checkbox"/> Other (Specify)		
Complete File and Serial Number <i>121-23278-68</i>		

Received from [redacted]
 Date 2/20/42
 by [redacted]
 in a confidential
 manner

STATUS OF INDIVIDUALS ON SENATOR MCCARTHY LIST OF 81

Name	McCarthy List	Entered on Duty	Secretary of State At Time of Appointment	Asst. Secretary of State for Administration At Time of Appointment	Present Status	Secretary of State At Time of Separation	Asst. Secretary of State At Time of Separation
[redacted]	48 and 49	9/11/45 Transferred from OSS under EO 9621	Byrnes	McCarthy	Presently employed	[redacted]	[redacted]
[redacted]	48 and 49	11/9/45	Byrnes	Russell	Presently employed		
[redacted]	70	8/31/45 Transferred from OSS under EO 9608	Byrnes	None	Presently employed		
[redacted]	47	2/8/44	Hull	Shaw	Presently employed		
[redacted]	56	10/17/46	Byrnes	Russell	Presently employed		
[redacted]	59	2/20/45 Transferred from OSS under EO 9621	Byrnes	McCarthy	Presently employed		
[redacted]	44	6/11/45 Transferred from [redacted] and [redacted] [redacted] 3 reported 11/12/46	Byrnes	None	Separated 6/20/46 to accept another position Reduction in force 7/25/47	Byrnes	Russell
[redacted]	53	1/17/49	Lovett (etc)	Pearlman	Presently employed		
[redacted]	56	2/2/46 Transferred from OSS under EO 9606	Byrnes	None	Presently employed		

121-23278-68

DEC 8 1971
 XEROXED ORIGINAL-RETURN
 deleted in file

55

X

Name	McCarthy List	Entered on Duty	Secretary of State at Time Of Appointment	Asst. Secretary of State for Administration at Time Of Appointment	Percent Status	Secretary of State at Time Of Surrender	Asst. Sec. of State at Time Of Surrender
[REDACTED]	21	8/31/45 Transferred from OIA under EO 9608	Byrnes		Presently employed		
[REDACTED]	61	9/27/45 Transferred from PBA under EO 9630	Byrnes	McCarthy	Reduction in force 5/20/49	Acheson	Pearlfoy
[REDACTED]	60	9/20/45 Transferred from CSS under EO 9621	Byrnes	McCarthy	Presently employed		
[REDACTED]	11	9/20/45 Transferred from OSS under EO 9621	Byrnes	McCarthy	Resigned 12/28/47	Marshall	Pearlfoy
[REDACTED]	1	9/24/46	Byrnes	Russell	Presently employed		
[REDACTED]	43	6/16/46 Transferred from PBA under EO 9630	Byrnes	Russell	Presently employed		
[REDACTED]	76		NEVER EMPLOYED IN THE DEPARTMENT OF STATE				
[REDACTED]	40	11/12/45	Byrnes	Russell	Presently employed		
[REDACTED]	29	APPLICANT	NEVER EMPLOYED IN THE DEPARTMENT OF STATE				

b7c

X

<u>Name</u>	<u>McCarthy</u> <u>1st</u>	<u>Entered</u> <u>on Duty</u>	<u>Secretary</u> <u>of State</u> <u>at Time Of</u> <u>Appointment</u>	<u>Asst. Secretary</u> <u>of State For</u> <u>Administration</u> <u>at Time Of</u> <u>Appointment</u>	<u>Present</u> <u>Status</u>	<u>Secretary</u> <u>of State</u> <u>at Time Of</u> <u>Separation</u>	<u>Asst. Sec.</u> <u>of State</u> <u>at Time Of</u> <u>Separation</u>
[REDACTED]	8	11/7/45 Transferred from OSS under NO 9621	Byrnes	Russell	Resigned 4/30/48	Marshall	McCarthy
[REDACTED]	25	6/31/45 Transferred from OAI under NO 9608	Byrnes		Presently employed		
[REDACTED]	68	6/3/46 Transferred from OAI under NO 9606	Byrnes	Russell	Presently employed		
[REDACTED]	1	5/27/45 Transferred from FBI under NO 9630	Byrnes	McCarthy	Presently employed		
[REDACTED]	73	8/14/44	Full	Shaw	Resigned 11/12/47	Marshall	McCarthy
[REDACTED]	65	4/31/45 Transferred from OAI under NO 9608	Byrnes		Resigned 4/15/49	McMahon	McCarthy
[REDACTED]	4	6/31/45 Transferred from OAI under NO 9608	Byrnes		Resigned 3/5/48	Marshall	McCarthy
[REDACTED]	4	3/11/47	McCarthy	McCarthy	Resigned 1/10/48	Marshall	McCarthy

CONFIDENTIAL

b7c

				Asst. Secretary of State for Administration	Present Status	Secretary of State At Time of Separation	Asst. Secy. Jr. of State for Administration At Time of Separation
<u>Name</u>	<u>McCarthy 1st</u>	<u>Entered on Duty</u>	<u>At Time of Appointment</u>	<u>At Time of Appointment</u>			
McCarthy, Philip	15	10/15/24 2/1/43	Hughes Hull	Carr Shaw	Resigned 1925 Separated 9/30/43 by transfer to Foreign Economic Administration Reassigned 2/11/47 (Completion of assignment)	Marshall Hull	Carr Shaw
		9/5/45 Without Compensation	Dynnes	McCarthy	(Completion of assignment)	Marshall	Pearlroy
		4/25/47 When Actually Employed	Marshall	Pearlroy	Terminated 12/5/47 (Completion of assignment)	Marshall	Pearlroy
		1/5/48	Marshall	Pearlroy	Terminated 2/1/49 to accept appoint- ment as Ambassador- at-Large	Acheson	Pearlroy
		3/1/49	Acheson	Pearlroy	Presently employed		
	30	8/31/45 Transferred from OWI under EO 9608	Eyrnes	Nono	Reduction in force 12/6/48	Marshall	Pearlroy
	76	APPLICANT -- NEVER EMPLOYED IN THE DEPARTMENT OF STATE					
	27	8/31/45 Transferred from OWI under EO 9608	Dynnes	Nono	Resigned 4/29/49	Acheson	Pearlroy

b7c

~~CONFIDENTIAL~~

Name		Entered on Duty		Secretary of State At Time of Appointment	Asst. Secretary of State for Administration At Time of Appointment	Secretary of State At Time of Separation	Asst. Secretary of State for Administration At Time of Separation
McCarthy List							
[REDACTED]		38	1/1/46 Transferred from OWI under NO 9608	Byrnes	Russell	Presently employed	
APPLICANT --- NEVER EMPLOYED IN THE DEPARTMENT OF STATE							
[REDACTED]		28	2/16/46	Byrnes	Russell	Resigned 11/23/47	Marshall
[REDACTED]		24	3/4/49	Acheson	Pouffoy	Presently employed	
[REDACTED]		75	12/3/46	Byrnes	Russell	Resigned 9/23/47	Marshall
[REDACTED]		46	9/30/45 Transferred from OSS under NO 9621	Byrnes	McCarthy	Presently employed	Pouffoy
[REDACTED]		67	6/31/45 Transferred from OWI under NO 9608	Byrnes	Hono	Reduction in force 9/12/47	Marshall
[REDACTED]		9	9/17/43	Hull	Shaw	Separated by trans- fer 10/15/43	Hull
[REDACTED]			Reappointed by trans- fer from OWI under NO 9608 on 9/27/45	Byrnes	McCarthy	Terminated 9/30/46 (Completion of Assignment)	Byrnes
Applicant for re-employment in October 1946 --- Not employed							
[REDACTED]		54	12/19/45	Byrnes	Russell	Presently employed (On Leave without Pay)	

CONFIDENTIAL

b7c

<u>Name</u>	<u>McCarthy List</u>	<u>Entered on Duty</u>	<u>Secretary of State for Administration At Time of Appointment</u>	<u>Asst. Secretary of State for Administration At Time of Appointment</u>	<u>Present Status</u>	<u>Secretary of State for Administration At Time of Separation</u>	<u>Asst. Secretary of State for Administration At Time of Separation</u>
[REDACTED]	69	9/31/45 Transferred from OWI under EO 9608	Byrnes	None	Resigned 9/14/48	Marshall	Pearlfoy
[REDACTED]	42	1/21/47	Marshall	Russell	Reduction in force 5/26/47	Marshall	Pearlfoy
[REDACTED]	41	1/10/47	Acheson (Actg)	Russell	Presently employed		
[REDACTED]	3	9/20/45 Transferred from OCS under EO 9621	Byrnes	McCarthy	Reduction in force 11/25/47	Marshall	Pearlfoy
[REDACTED]	16	6/7/44	Hull	Shaw	Resigned 12/13/46	Byrnes	Russell
[REDACTED]	34	3/31/45 Transferred from OWI under EO 9608	Byrnes	Hono	Presently employed		
[REDACTED]	37	1/21/46	Byrnes	Russell	Resigned 3/12/46	Marshall	Pearlfoy
[REDACTED]	45	9/12/46	Byrnes	Russell	Resigned 4/30/48	Marshall	Pearlfoy
[REDACTED]	59	9/22/45 Transferred from OCS under EO 9621	Byrnes	McCarthy	Presently employed		
[REDACTED]	37	12/26/48	Marshall	Pearlfoy	Presently employed		

X

b7c

Name	McCarthy List	Entered on Duty	Asst. Secretary of State for Administration		Present Status	Secretary of State	
			At Time of Appointment	At Time of Appointment		At Time of Separation	At Time of Separation
[REDACTED]	81	8/31/45 Transferred from OWI under EO 9608	Byrnes	None	Resigned 4/2/48	Marshall	Pearlfoy
[REDACTED]	62	11/16/27	Kellogg	Carr	Resigned 3/19/48	Marshall	Pearlfoy
[REDACTED]	64	3/30/45	Stettinius	Holmes	Presently employed		
[REDACTED]	79	3/8/46	Byrnes	Russell	Presently employed		
[REDACTED]	10	9/20/45 Transferred from OSS under EO 9621	Byrnes	McCarthy	Resigned 2/11/48	Marshall	Pearlfoy
[REDACTED]	77	10/10/45	Byrnes	McCarthy	Presently employed		
[REDACTED]	53	1/18/40	Hull	None	Resigned 12/30/48	Marshall	Pearlfoy
[REDACTED]	52	7/11/31	Stimson	Carr	Presently employed		
[REDACTED]	66	8/31/45 Transferred from OWI under EO 9608	Byrnes	None	Reduction in force 9/16/47	Marshall	Pearlfoy
[REDACTED]	23	3/7/49	Acheson	Pearlfoy	Presently employed		
[REDACTED]	19	NEVER EMPLOYED IN THE DEPARTMENT OF STATE					

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b7c

<u>Memorandum</u>	<u>McCarthy List</u>	<u>Entered on Duty</u>	<u>Secretary of State at Time of Appointment</u>	<u>Asst. Secretary of State for Administration at Time of Appointment</u>	<u>Present Status</u>	<u>Secretary of State at Time of Reappointment</u>	<u>Asst. Secretary of State for Administration at Time of Reappointment</u>
[REDACTED]	5	9/27/45 Transferred from FMA under EO 9630	Byrnes	McCarthy	Resigned 4/16/48	Marshall	Pearlfoy
[REDACTED]	51	8/4/43	Hull	Shaw	Presently employed		
[REDACTED]	31	8/31/45 Transferred from OWI under EO 9608	Byrnes	None	Presently employed		
[REDACTED]	32	8/31/45 Transferred from OWI under EO 9608	Byrnes	None	Presently employed		
[REDACTED]	50	9/26/45	Byrnes	McCarthy	Presently employed		
[REDACTED]	35	8/31/45 Transferred from OWI under EO 9608	Byrnes	None	Resigned 12/24/48	Marshall	Pearlfoy
[REDACTED]	33	8/31/45 Transferred from OWI under EO 9608	Byrnes	None	Presently employed		
[REDACTED]	36	8/31/45 Transferred from OWI under EO 9608	Byrnes	None	Presently employed		
[REDACTED]	20	APPLICANT -- NEVER EMPLOYED IN THE DEPARTMENT OF STATE					

b2

cc [REDACTED]

<u>Name</u>	<u>McCarthy List</u>	<u>Entered on Duty</u>	<u>Secretary of State At Time of Appointment</u>	<u>Ast. Secretary of State for Administration At Time of Appointment</u>	<u>Present Status</u>	<u>Secretary of State At Time of Separation</u>	<u>Ast. Secretary of State for Administration At Time of Separation</u>
[REDACTED]	71	8/31/45 Transferred from OWI under EO 9608	Byrnes	Nono	Separated 12/8/47 (Completion of Assignment)	Marshall	Pouffoy
[REDACTED]	46	11/12/45	Byrnes	Russell	Presently employed		
[REDACTED]	17	9/30/45 Transferred from OSS under EO 9621	Byrnes	McCarthy	Resigned 4/23/47	Marshall	Pouffoy
[REDACTED]	6	9/30/45 Transferred from OSS under EO 9621	Byrnes	McCarthy	Presently employed		
[REDACTED]	2	4/4/24	Hughes	Wright	Presently employed		
[REDACTED]	29	1/2/47	Byrnes	Russell	Resigned 6/30/48	Marshall	Pouffoy
[REDACTED]	60	1/2/47 NEVER EMPLOYED IN THE DEPARTMENT OF STATE	Byrnes	Russell	Terminated 8/11/48 (Completion of Assignment)	Marshall	Pouffoy
[REDACTED]	13	9/12/46	Byrnes	Russell			
[REDACTED]		5/25/46	Byrnes	Russell	Presently employed		
[REDACTED]	12	1/30/48	Stettinius	Holmes	Resigned 9/8/47	Marshall	Pouffoy

67c

EMPLOY

Formerly employed.....	33
Never employed.....	7
Presently employed	10
	<hr/>
	50 *

* Senator McCarthy did not return No. 72

Received from the State Department
through Liaison Office

Date 3/24/50
on a confidential
basis

~~CONFIDENTIAL~~

SENATOR McCARTHY, LIST OF 81

b7
C

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]
10. [REDACTED]
11. [REDACTED]
12. [REDACTED]
13. [REDACTED]
14. [REDACTED]
15. [REDACTED]
16. [REDACTED]
17. [REDACTED]
18. [REDACTED]
19. [REDACTED]
20. [REDACTED]
21. [REDACTED]
22. [REDACTED]
23. X [REDACTED]
24. [REDACTED]

DECLASSIFIED BY 2909
ON 4/11/78 DA/pic

INDEXED -

121-23278-69
NOT RECORDED
12 JUN 13 1950
[Handwritten signatures and notes]
40
121-23278-69
5

- 25. [REDACTED]
- 26. [REDACTED]
- 27. [REDACTED]
- 28. [REDACTED]
- 29. [REDACTED]
- 30. [REDACTED]
- 31. [REDACTED]
- 32. [REDACTED]
- 33. [REDACTED]
- 34. [REDACTED]
- 35. [REDACTED]
- 36. [REDACTED]
- 37. [REDACTED]
- 38. [REDACTED]
- 39. [REDACTED]
- 40. [REDACTED]
- 41. [REDACTED]
- 42. [REDACTED]
- 43. [REDACTED]
- 44. [REDACTED]
- 45. [REDACTED]
- 46. [REDACTED]
- 47. BRUNAUER, Esther Gaukin ✓

b7c

- 48.) [REDACTED]
- 49.) [REDACTED]
- 50. [REDACTED]
- 51. [REDACTED]
- 52. [REDACTED]
- 53. [REDACTED]
- 54. [REDACTED]
- 55. [REDACTED]
- 56. [REDACTED]
- 57. [REDACTED]
- 58. [REDACTED]
- 59. [REDACTED]
- 60. [REDACTED]
- 61. [REDACTED]
- 62. [REDACTED]
- 63. [REDACTED]
- 64. [REDACTED]
- 65. [REDACTED]
- 66. [REDACTED]
- 67. [REDACTED]
- 68. [REDACTED]
- 69. [REDACTED]
- 70. [REDACTED]
- 71. [REDACTED]

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- 72. [REDACTED]
- 73. [REDACTED]
- 74. [REDACTED]
- 75. [REDACTED]
- 76. [REDACTED]
- 77. [REDACTED]
- 78. [REDACTED]
- 79. [REDACTED]
- 80. [REDACTED]
- 81. [REDACTED]

b7c

FEDERAL BUREAU OF INVESTIGATION

3-30-50

To:

Mr. Tolson	Miss Gandy
Mr. Ladd	Mr. McGuire
Mr. Clegg	Mr. Jones
*** Mr. Belmont	Central Hold
Mr. Harbo	Desk Room 7235
Mr. Glavin	Mail Room
Mr. Nichols	Foreign Service
Mr. Rosen	Desk
Mr. Tracy	Code Room 4642
ROOM	

Attention: AHB:tlc

Memo dated 3-30-50 to the Attorney
General forwarding copy of letter
from Judge Thomas J. O'Connor

Please note on copy of letter from
Judge O'Connor that the word While
(first word in para. 2) was corrected
here from White.

(Reading Room 5531)
Extension 348

March 30, 1950

62-11723-3
121-23278-70
RECORDED

INDEXED

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Views of Judge Thomas J. O'Connor
concerning Confidential Nature of
FBI Files

In view of our recent appearance before the Subcommittee of the Senate Committee on Foreign Relations on the matter of the confidential nature of the files of this Bureau, I thought you would be interested in receiving a copy of a letter sent to me by Judge Thomas J. O'Connor, Court of Common Pleas, Lucas County, Ohio.

I think you will agree that Judge O'Connor's letter is highly appropriate, and because of his experience and position, his views are worthy of note.

Respectfully,

J. Edgar Hoover

John Edgar Hoover
Director

ENCL.

Enclosure

AHB:tlc

MAR 31 1950

COMM - FBI

55 MAY 5 1950

RECEIVED DIRECTOR
F B I
U.S. DEPT. OF JUSTICE
MAR 30 6 40 PM '50

RECEIVED READING ROOM
F B I
U.S. DEPT. OF JUSTICE
MAR 30 5 54 PM '50

COURT OF COMMON PLEAS

Lucas County, Ohio

C
O
P
Y

Toledo, Ohio

March 25, 1950

Hon. J. Edgar Hoover, Director,
Federal Bureau of Investigation,
Washington, D. C.

Dear Mr. Hoover:

From January 1938 to January 1937 I served as Assistant Prosecuting Attorney in this County, and in January 1937 and up to February 9, 1943 I served as Prosecuting Attorney of this County. On February 9, 1943 I took office as Judge of the Court of Common Pleas, and am now serving my second term of six years. I was born in this city in 1891 and have resided here all my life, so that I am personally acquainted with a lot of people.

While I was serving in the Prosecuting Attorney's office I was interviewed many times by agents of your department and also agents of the Treasury Department and the office of United States Post Office Inspector. During the course of these interviews I was questioned about certain people who were under investigation, and I answered those questions truthfully and gave the interrogator such information as I had, some of which would be supported by legal evidence and some of which was based upon what we know in law as hearsay evidence.

According to the newspaper accounts of investigations now being conducted by the Senate and House Committee, demands have been made for a disclosure of the contents of the files in your department and even a production of your files.

I am sure the American people have complete confidence in the Federal Bureau of Investigation, and I am very much disturbed about the result of a disclosure of the contents of your confidential files, and as a responsible citizen I feel certain that you will resist and positively refuse to lay your files open for the inspection of any member of Congress, whether he be of the House of Representatives or the Senate. I know from experience that your Department has persisted in preserving the confidence of those who have been interviewed from time to time. On the other hand, if it should be determined that your files are available for inspection, I can foresee much difficulty in investigations by your agents for the apparent reason that citizens will be hesitant to talk when they realize the danger that at some time or other their names or their reports may be made public.

Tolson _____
Ladd _____
Clegg _____
Glavin _____
Nichols _____
Rosen _____
Tracy _____
Harbo _____
Mohr _____
Tele. Room _____
Nease _____
Gandy _____

121-23278-70
ENCLOSURE
62-97923-3

I am motivated to write this letter to you this morning after numerous discussions with members of the Bar and other citizens who come into my office, and I feel certain that you will concur in these ideas.

Sincerely yours,

/s/ Thomas J. O'Connor
Judge.

Tolson _____
Ladd _____
Clegg _____
Glavin _____
Nichols _____
Rosen _____
Tracy _____
Harbo _____
Mohr _____
Tele. Room _____
Nease _____
Gandy _____

JUDGES
JOHN M. McCABE
PAUL W. ALEXANDER
JOHN G. CAREY
THOMAS J. O'CONNOR
HARVEY G. STRAUB
JOHN W. HACKETT

COURT OF COMMON PLEAS

LUCAS COUNTY, OHIO

TOLEDO, OHIO

March 25, 1950

Mr. Tolson	✓
Mr. Ladd	✓
Mr. Clegg	✓
Mr. Glavin	✓
Mr. Nichols	✓
Mr. Rosen	✓
Mr. Tracy	✓
Mr. Harbo	✓
Mr. Belmont	✓
Mr. Mohr	✓
Tele. Room	✓
Mr. Nease	✓
Miss Gandy	✓

Hon. J. Edgar Hoover, Director,
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~~DEFERRED RECORDING~~

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I am sure the American people have complete confidence in the Federal Bureau of Investigation, and I am very much disturbed about the result of a disclosure of the contents of your confidential files, and as a responsible citizen I feel certain that you will resist and positively refuse to lay your files open for the inspection of any member of Congress, whether he be of the House of Representatives or the Senate. I know from experience that your Department has persisted in preserving the confidence of those who have been interviewed from time to time. On the other hand, if it should be determined that your files are available for inspection, I can foresee much difficulty in investigations by your agents for the reason that citizens will be hesitant to talk when they realize the danger that at some time or other their names or their reports may be made public.

RECORDED

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JUDGES
JOHN M. McCABE
PAUL W. ALEXANDER
JOHN Q. CAREY
THOMAS J. O'CONNOR
HARVEY G. STRAUB
JOHN W. HACKETT

COURT OF COMMON PLEAS

LUCAS COUNTY, OHIO

TOLEDO, OHIO

-2-

who come into my office, and I feel certain that you will concur in these ideas.

Sincerely yours,

Thomas J. O'Connor
Judge.

STATEMENT OF J. EDGAR HOOVER, DIRECTOR,
FEDERAL BUREAU OF INVESTIGATION,
BEFORE SUBCOMMITTEE OF THE SENATE
COMMITTEE ON FOREIGN RELATIONS, 3:30 P.M.,
MONDAY, MARCH 27, 1950

File
✓
3/28/50

In the 26 years during which I have been privileged to serve as Director of the Federal Bureau of Investigation, I have always maintained the view that if we were to fully discharge the serious responsibilities imposed upon us, the confidential character of our files must be inviolate.

A cardinal principle of success for any agency having a responsibility for investigations is its ability to secure information. To do that, it must be able to maintain confidences. Any person furnishing information must have the security of knowing that when he furnishes information on a confidential basis, he will not at a later date find that confidence broken. When that occurs, the ability of the investigative agency to discharge its responsibilities in the future is materially lessened.

The public record clearly proves that the FBI because it does maintain confidences has been able to develop valuable sources of information which have a direct bearing on the internal security of the nation. I need refer only to the government witnesses who testified in the trial of the eleven Communist leaders in New York last summer. Seven of these witnesses risked their lives as undercover employees of the FBI.

The question of opening the files of the FBI involves a grave matter of principle. In taking the position that the files of the FBI should remain inviolate, I would not, of course, presume to discuss files other than those of the Federal Bureau of Investigation.

These files contain complaints, allegations, facts, and statements of all persons interviewed. Depending upon the purpose of the investigation,

107
APR 10 1950

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

particularly in security cases, they contain not only background data on the individual but details of his private life which bear upon the investigation. In these files also are the identities of our confidential sources of information and full details of investigative techniques. In short, they consist of a running account of all that transpires.

A file is maintained in each case because the FBI has received information, allegations, or a complaint which if proven comes within the sphere of our responsibility, in pursuance of either Congressional or Executive Directives. After the investigation is completed, when indicated by Department procedure or judgment, a summary of the facts developed is furnished to the Department of Justice or United States Attorneys. In other types of investigations, the reports of Special Agents are submitted to the interested agency of the government. Details and information dealing with administrative operations and confidential sources of information remain in our files. The contents of these files were never intended to be disclosed and, unless we drastically change and circumscribe our procedures, they should not be disclosed.

The question of divulging contents of the files of agencies of government is not a new one. When confronted with the question of divulging the files of an Executive Department of the Government in 1909, the late President Theodore Roosevelt said:

"Some of these facts.....were given to the Government under the seal of secrecy and cannot be divulged and I will see to it that the word of this Government to the individual is kept sacred."

The disclosure of the contents of the files of the FBI would reveal confidential procedures and techniques. If spread upon the record, criminals, foreign agents, subversives, and others would be forewarned and would seek methods to carry out their activities by avoiding detection and thus defeat the very purposes for which the FBI was created. Each exception undermines this principle, establishes a precedent, and would inevitably result in a complete collapse of a traditional policy which has proven its soundness.

A disclosure of FBI reports would reveal the identity of confidential sources of information and, if it did not place the lives of such persons in actual jeopardy, it would certainly ruin their future value and effectiveness.

The disclosure of FBI reports would make otherwise patriotic citizens reluctant to furnish information. Already, as a result of some unfortunate disclosures of our files in court proceedings, our Special Agents frequently are being told by persons from whom they seek information that they will decline to be interviewed for fear the information will be misused by some agency other than the FBI.

In the conduct of official investigations, information of a highly restricted nature having a direct bearing upon national security often finds its way into the files which, if disclosed, would be of considerable value to a foreign power. Increasingly, we have observed efforts of a foreign power to seek intimate personal details concerning many of our leaders in Government and industry. They should not be aided by having these details made public for their use and advantage, thereby crippling the important work of the FBI.

So far, I have directed my remarks against a disclosure of FBI files on security grounds. There are other compelling reasons why the files of the FBI should remain inviolate. For the want of a more apt comparison, our files can be compared to the notes of a newspaper reporter before he has culled the

printable material from the unprintable. The files do not consist of proven information alone. The files must be viewed as a whole. One report may allege crimes of a most despicable type, and the truth or falsity of these charges may not emerge until several reports are studied, further investigation made and the wheat separated from the chaff.

I, for one, would want no part of an investigative organization which had the power of discretion to decide what information would be reported and what would be omitted. An item of information which appears unimportant today may provide the solution of a case when considered with information received at a later date, or it may later establish the innocence of the accused.

Should a given file be disclosed, the issue would be a far broader one than concerns the subject of the investigation. Names of persons who by force of circumstance entered into the investigation might well be innocent of any wrong. To publicize their names without the explanation of their associations would be a grave injustice. Even though they were given an opportunity to later give their explanation, the fact remains that truth seldom, if ever, catches up with charges. I would not want to be a party to any action which would "smear" innocent individuals for the rest of their lives. We cannot disregard the fundamental principles of common decency and the application of basic American rights of fair play.

The FBI has the obligation, within the scope of Federal law, not only to protect the rights, lives, and property of our citizens, but also to protect the confidential relationship of the citizen when he patriotically serves his Government by providing information essential to our security.

FBI reports set forth all details secured from a witness. If those details were disclosed, they could become subject to misinterpretation, they could be quoted out of context, or they could be used to thwart truth, distort half truths, and misrepresent facts. The raw material, the allegations, the details of associations and compilation of information in FBI files must be considered as a whole. They are of value to an investigator in the discharge of his duty. These files were never intended to be used in any other manner and the public interest would not be served by the disclosure of their contents.

In taking this stand, I want to reiterate - a principle is involved. I would take this same stand before the Attorney General, as I already have, or before any other body. The fact that I have great respect, confidence, and a desire to be of assistance to a committee of distinguished Senators, however, in no way detracts from a principle. I say this because I do not want any misinterpretation of my remarks, nor do I want it said that this and other committees of Congress do not have my respect and confidence. I would be derelict to my duty, untrue to my conscience, and unworthy of my trust to take any other position.

April 3, 1950

RECORDED - 130
INDEXED - 130

121-23278-72
~~62-77923-10~~

[REDACTED]
New Haven 11, Connecticut

Dear [REDACTED]

Your letter dated March 27, 1950,
has been received and I do want to thank you
for your kind comments.

I appreciate also your letting me
have your views on the subject you mention,
and it occurred to me that you might like to
read the enclosed copy of my statement before
the Subcommittee of the Senate Committee on
Foreign Relations on March 27, 1950.

Sincerely yours,

G. I. R. 7

John Edgar Hoover
Director

Enclosure

Statement before Subcommittee of the Senate
Committee on Foreign Relations, March 27, 1950

COMMITTEE

Tolson _____
Ladd _____
Clegg _____
Glavin _____
Nichols _____
Rosen _____
Tracy _____
Harbo _____
Mohr _____
Tele. Room _____
Nease _____
Gandy _____

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NEW HAVEN 11, CONNECTICUT

March 27, 1950

Dear Mr. Hoover -

you don't know me,
and I know you only through your
fine reputation as the head of the
F.B.I., whose activities I had long
admired before your outstanding
performance today before the
Senate Committee.

I just want you to know
that I was thrilled by your
statements as reported by various
commentators over the radio
tonight. I sincerely hope that the
President will "see the light" and
not require you to turn over your
records, as demanded by Sen.
McCarthy. I cannot imagine how
he got that way, but he has

RECORDED - 134

121-230278-72

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certainly gone off the deep end.
When he seeks to impair the
efficiency of your fine organi-
zation.

More power to you in your
fight for the integrity and
secrecy of the R.B.S. records!

Sincerely yours —

[Redacted signature]

bx

100-100000

From
THE ATTORNEY GENERAL
to
Official indicated below by check mark

MEMORANDUM

Solicitor General	
Assistant to the Attorney General	
Executive Assistant to the Attorney General	
Assistant Attorney General, Anti-Trust	
Assistant Attorney General, Tax	
Assistant Attorney General, Claims	
Assistant Attorney General, Lands	
Assistant Attorney General, Criminal	
Assistant Solicitor General	
Director, FBI	
Director of Prisons	
Director, Office of Alien Property	
Commissioner, Immigration and Naturalization	
Administrative Assistant	
Division of Accounts	
Division of Communications and Records	
Division of Supplies	
Pardon Attorney	
Parole Board	
Board of Immigration Appeals	
Librarian	
Director of Public Information	
Mr. Kilgus	
Miss Fanebust	
Mr. Hyatt	
Mr. Coblentz	
Miss Healy	
Miss Meany	
Miss Adams	
Miss Doyle	
Mrs. Willey	
Mrs. Burke	
Mrs. Kelly	
Mrs. Hesson	

Mr. Tolson	
Mr. Ladd	
Mr. Clegg	
Mr. Glavin	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Harbo	
Mr. Belmont	
Mr. Mohr	
Tele. Room	
Mr. Nease	

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*Director
3/28*

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APR 27 1960

April 3, 1950

88655

Senate
Foreign Relations COMMITTEE

[REDACTED]
Boston 15, Massachusetts

121-22278-73

Dear [REDACTED]

J. R. Wood

RECORDED - 114

INDEXED - 114

Your letter dated March 27, 1950, has been received. You may be sure that I appreciate your confidence in the FBI.

I am enclosing a copy of my statement before the Committee of the Senate Committee on Foreign Relations which contains my views with reference to the files of the FBI.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover
Director

Enclosure

NOTE: January, 1950, a card was received from correspondent, who congratulated the Director and stated "no honest person should fear wire tapping if the evidence is not admissible in court as evidence."

[REDACTED]

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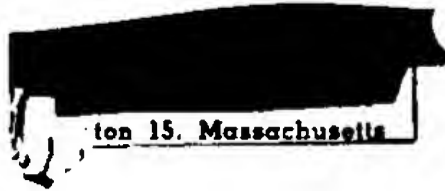
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ton 15. Massachusetts

Mar. 31. 1950

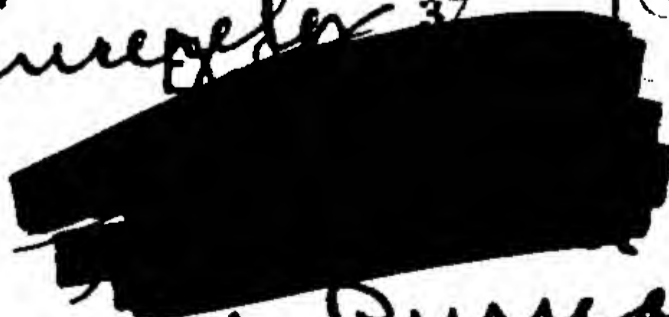
Dear Mr. Hoover, I have great faith and confidence in the F.B.I.

But, frankly, I am puzzled. If your files can't be shown an investigating committee, in executive session, and if the disclosure of certain evidence to ensure convictions in court is harmful to your sources of information, why is this data collected where will it be used? If ever,

there may be good and sufficient answers and reasons but maybe I'm not supposed to understand. Maybe it's too confidential.

RECORDED - 114

Since 1937



CONFIDENTIAL

67

P.S.

I feel there are many Russian spies in our country and you don't want to show too much of your hand or system.

April 6, 1950

4487

[REDACTED]

RECORDED - 32 Buffalo 9, New York

INDEXED - 32

Dear [REDACTED]

121-23278-74
Your letter dated March 27, 1950, with enclosure, has been received and I want to thank you for furnishing your observations to me.

I am happy to know that my views with reference to the files of the FBI are shared by you, and I am enclosing a copy of my statement before the Subcommittee of the Senate Committee on Foreign Relations on March 27, 1950, which I thought you might like to have.

Sincerely yours,

John Edgar Hoover
Director

Enclosure: Director's statement of March 27, 1950.

NOTE: Bureau files [REDACTED] reflects that [REDACTED] Harmony, Pennsylvania, wrote to the Bureau in 1943, furnishing miscellaneous information which was referred to Military Intelligence Division of the War Department. Inasmuch as it is impossible to definitely identify this individual with the correspondent, the latter is being addressed as [REDACTED] in the absence of data concerning her marital status.

To: _____
Ladd _____
Clegg _____
Glavin _____
Nichols _____
Rosen _____
Tracy _____
Harbo _____
Mohr _____
Tele. Room _____
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6 APR 22 1950

1950

RECEIVED READING ROOM
FBI
U.S. DEPT. OF JUSTICE
APR 6 7 28 PM '50

Buffalo, 9N.Y.,

March ,27th.,1950.

Mr. Edgar Hoover

Washington D.C.

4488

Dear Sir,_____

I have been following Sen.McCarthy's Communist accusations to our State Department people. I have my own deductions of all this. It may not interest you but as a loyal faithful citizen of this good old U.S.A I feel it my privelage to write what I think.

Hurrah for you not allowing your files to be interviewed by the commies a thing they are after.

Here is what I believe. No one loyal American citizen is going to stir up such accusations unless they are well planed obversive schemes laid by others to him to put across. No man would defy all America for such accusations as he has made unless he feels losing faith with his country people is done for an organization that has made him feel he will fore~~ver~~ be a hero doing for his cause if it means ostracization , anniliation or even death if he carries on for the cause. This is my idea of SEN. McCarthy. I believe he is the head of communists here in U.S.A. Who better to put on this exposee than the head man himself? Who would be the least suspected? The head himself.

RECORDED - 32

APR 14 1950

Where would the communists try to over throw our govennment but in the most important to us and the World? Our State department. It is destroying the other part of the World in their faith to U.S.A. If they have communists in their very core they must be sympathisers,will be their

and thinking. That is just what they want to go around the

World. They do not want war as much as they want time to undermine our very government workings and our relations with other countries.

4489

We better demand Sen. Mc Carthy's arrest and nip it in the middle of his dirty work, anyway a thorough investigation of all his moves would be a fine act and do it swiftly.

I would like to see his expression when he would be accused of being the communies head man. My hobby is to read expressions. He should give enough away when confronted with his being the head man. I bet you would hear loud wild retorts along that line. That would be your answer. For a truly good U.S.A person would of course deny but not rave and rant. Why would he be having others investigated if he were one? There you have my theory. No one would expect the head man to be the accuser.

Why is he pulling all these people home to accuse them? To stall for time and get their dirty work in where these men were going. To defame them and the U.S.A. To underground.

Some years ago I nursed at a home in an apartment building in Pittsburgh. The people on the third floor were commies. I found that out by facial study. I saw truck loads of books going out from the home. A large book about 8 by 10 inches and about 2 and a half thick. A white book with large red letters. "When Russia rules the world." This was just before the second World war.

They have been planing long before the Kaiser or Hitler ever thought of so doing. The devil is very clever. He moves slyly and smoothly. Better if the other side did sqin their good way. We better awake before it is too late. Read your Bible on the future of the world after the flood. It is all recorded there. It behoves us to read and learn. At this time

face~~d~~ with conditions there-in stated. Our Bible can be our guide to save us only we must awake and use it. The solution is all in the Holy pages. 4490

The communies are laughing up there sleeves how asleep we are. How they are putting it over on us. The flying disks are no mith to me. They are real. They are what I have been suspecting. Russia is a few jumps ahead of us. They are her work. She p~~l~~anned and used her means for it while we gave her war supplies so she could save hers for us later. Of course at the time this could not be seen. It grieved me to see us as her allies.

The flying planes are a Russian devise very cleverly made up. They have something in those planes so when they are seen, as they can see our planes, they explode and throw a mist between them and a plane to make their get away.

They are not from other planets. The mist between the other planets will stay there until God does His wonderous works of taking it away so we can go there and they here. I ^{them} believe we are not necessary to ~~us~~ or they to us only when the World is destroyed for wickedness as it once was by water, this time by fire. Those saved will go to one of the unhabitated planets. No those Flying saucers are only a new type of plane the Russians are using to fr~~e~~ighten us into thinking they are supernatural and will destroy us. There damge is not greater than any other plane we used during the war. No sir they do not want war. They want to tare us apart in our middle and by Sen. M cCarthy they are mak~~i~~ng a good start.

Let's stop him Mr. Hoover. You are the core man of this great nation so put yourself forth to stop their speed..

It must be stopped before our people lose faith within them-

selves.

I would be in for it here in Buffalo if my name were mentioned I wrote this as they tell me Buffalo is lousy with Commies. I was told to be careful what I said and who I said anything to concerning Commies.

I am from Pittsburgh Penna. I assure you there are plenty in Pitts. There I am not liked by them. My two daughters nearly got into one of their organizations as a Youth movement for young Americans. Luckily I was told in time to investigate and I learned what they were. I exploded to one of their members and was told to keep my mouth shut or it would be shut for me. This was fifteen years ago. Some start they have on us poor unsuspecting people.

Let's get busy and catch them in their own traps laid for us. Let's not talk so much but work. Sometimes I feel our press is a little too open with our affairs.

Well-- Mr. Hoover I got off my chest what I feel is my duty to say. Take it or leave it but my hope is take it. Do something about it and above all stick like the soldier you are to your guns and do not open your files to the head communist as he wants. This is his way of getting us exposed into their hands.

This is long I know and hope I have not taken too much of your time if you ever get to read this.


I am one American who thanks God for all my grandparents who had the foresight to come to the best country in the world the good old United States of America. They were thankful so am I even more than they as they could not see the awful future ahead which has been my time to live.

Mr. Hoover can't you urge people to go to the

A man like you will have more effect on a world hock up than any one or many ministers. The rabble would say they are fanatics . You, they will believe because you are dear in every loyal American's heart today and are looked up to greatly. Won't you try. ? This is the only way we can win over the communies. Be on God's side and have Him with us.

Thanks you Mr. Hoover. Don't let us down,
Yours is a great work done and to be done.

Sincerely in the life of the U.S.A



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C

P.S. I Am sending Mr. Barkley and Mr. Truman a like letter.

WHICH IS IT, SENATORS?

J. Edgar Hoover, director of the Federal Bureau of Investigation, has told a Senate foreign relations subcommittee that turning over to the subcommittee State Department "loyalty files" demanded by Sen. McCarthy of Wisconsin would bring about "complete collapse" of the FBI system of obtaining confidential information. Mr. Hoover added that "a foreign power" (and he obviously meant Russia) has been seeking "intimate personal details concerning many of our leaders in government and industry."

"They should not be aided by having these details made public for their use and advantage, thereby crippling the important work of the FBI," he said. *(a back file)*

But Sen. McCarthy keeps up his hue and cry and he has been joined by Sen. Bridges of New Hampshire. This leads any logical observer to one of two conclusions—either (1) the two senators won't take Mr. Hoover's solemn word, despite the country's confidence in the FBI chief, or (2) they are willing to "cripple" the FBI and bring about "complete collapse" of its system, in order to get a little more ammunition for their smear-Acheson campaign.

Well, which is the answer, Senators? Speak up!

121-23278-74

W

STATEMENT OF
ATTORNEY GENERAL J. HOWARD ~~McG.~~ MCG. WITH
BEFORE
SUBCOMMITTEE OF THE SENATE COMMITTEE ON FOREIGN RELATIONS
3:30 P.M., MARCH 27, 1950

Mr. Chairman: I appreciate the opportunity of appearing before your Committee today, together with the Director of the Federal Bureau of Investigation, in order to discuss with you a serious problem that has arisen in the course of the investigation that you are conducting pursuant to Senate Resolution 231. There has been a great deal of talk about the production before your Committee of loyalty and investigative files relating to the persons against whom Senator McCarthy has brought charges of disloyalty. I think that it is well that we should discuss this matter together at this time in the interest of clarifying some of the issues.

I need not remind you that it is only a matter of months since I myself was a member of that great body of which this Committee is a part, the United States Senate. Having had the privilege of serving in the Senate, as well as in the Executive Branch, I am fully aware and indeed extremely sensible of the degree of cooperation that must exist between the legislative and Executive branches of the Government if we are to make our tripartite system of government work.

Cooperation, however, is but one facet of the key to the solution of our problem. If our tripartite system is to work, each branch must also carefully avoid encroaching upon the prerogatives of the other.

121-23278-25

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This is such a basic principle that it was recognized as early as the administration of our first President. On February 22 last, the very day on which the Senate agreed to the Resolution under which this Committee is proceeding, the Farewell Address of President Washington was read in the Senate chamber. I call your attention to one paragraph of that Address, which appears on page 2158 of the Congressional Record of February 22, and which to me aptly states the principles by which we must be governed. President Washington stated:

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. * * * * If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.--But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

President Washington was speaking from personal experience with the very problem we now have before us--namely, a request by a congressional Committee for the production of documents which in the opinion of the Executive branch must be held confidential in the public interest. The problem, you see, is as old as the Government itself.

In March of 1792, the House of Representatives adopted a resolution establishing a Committee to inquire into the causes of the failure of the expedition under Major General St. Clair, and empowering that Committee to call for such papers and records as might be necessary to assist the Com-

mittee in its inquiries. The House based its right to investigate on its control over the expenditure of public money. When the Committee asked the President for the papers relating to the campaign, President Washington called a meeting of his Cabinet. Present were Thomas Jefferson, Secretary of State, Alexander Hamilton, Secretary of the Treasury, Henry Knox, Secretary of War, and Edmond Randolph, the Attorney General. The President stated that he had called his Cabinet together because this was the first demand on the Executive for papers within his control and he desired that in so far as the action taken would constitute a precedent, it should be rightly conducted. President Washington readily admitted that he had no doubt of the propriety of what the House was doing, but he did conceive that there might be papers of so secret a nature that they ought not be given up. The President and his Cabinet came to an unanimous conclusion as follows:

First, that the House was an inquest, and therefore might institute inquiries. Second, that it might call for papers generally. Third, that the Executive ought to communicate such papers as the public good would permit, and ought to refuse those, the disclosure of which would injure the public.

The precedent there set by President Washington and his Cabinet was followed in 1796 when he refused to comply with a resolution of the House of Representatives which requested him to lay before the House a copy of the instructions to the United States Minister who negotiated a treaty with Great Britain, together with the correspondence and documents relating to that treaty. In declining to comply, President Washington stated: "As it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the various departments should be preserved, a just regard to the Constitution and to the duty of my office * * * forbids a compliance with your request."

It was because of such experiences that President Washington felt called upon to refer, in his Farewell Address, to the importance of maintaining the independence of our separate branches of government. Later, President Jefferson refused to allow two members of his cabinet to supply documents at the trial of Aaron Burr. In 1825 President Monroe declined to comply with a request of the House of Representatives to transmit to the House certain documents relating to the conduct of naval officers. In 1833 President Jackson refused to comply with a Senate request that he communicate to it a copy of a paper purporting to have been read by him to the heads of the executive departments relating to the removal of the deposits of public money from the Bank of the United States. In 1886 President Cleveland supported his Attorney General's refusal to comply with a Senate resolution calling for documents and papers relating to the removal of a District Attorney. Similarly, in 1843, a resolution of the House of Representatives called upon the Secretary of War to communicate to the House the reports made to the War Department by Lt. Col. Hitchcock relative to the affairs of the Cherokee Indians, together with all information communicated by him concerning the frauds which he had been charged to investigate. The Secretary of War advised the House that he could not communicate information which Col. Hitchcock had obtained in confidence, because it would be grossly unjust to the persons who had given the information. The House, however, claimed the right to demand from the Executive and heads of departments such information as may be in their possession relating to subjects of deliberations of the House. President Tyler, in a message

dated January 31, 1843, said in part:

And although information comes through a proper channel to an executive officer, it may often be of a character to forbid its being made public. The officer charged with a confidential inquiry, and who reports its result under the pledge of confidence which his appointment implies, ought not to be exposed individually to the resentment of those whose conduct may be impugned by the information he collects. The knowledge that such is to be the consequence will inevitably prevent the performances of duties of that character, and thus the Government will be deprived of an important means of investigating the conduct of its agents.

President Tyler also declined to comply with a resolution of the House of Representatives which called upon him and the heads of departments to furnish information regarding such members of the 26th and 27th Congresses as had applied for office in the executive branch. In so refusing, President Tyler stated:

Applications for office are in their very nature confidential, and if the reasons assigned for such applications or the names of the applicants were communicated, not only would such implied confidence be wantonly violated, but, in addition, it is quite obvious that a mass of vague, incoherent, and personal matter would be made public at a vast consumption of time, money, and trouble without accomplishing or tending in any manner to accomplish, as it appears to me, any useful object connected with a sound and constitutional administration of the Government in any of its branches.

In my judgment a compliance with the resolution which has been transmitted to me would be a surrender of duties and powers which the Constitution has conferred exclusively on the Executive, and therefore such compliance can not be made by me nor by the heads of Departments by my direction.

These are only a few of the precedents to be found in the constitutional history of our Government; many more could be referred to.

Although I have mentioned only a few of the precedents, I might add that almost every President has found it necessary at some time during his administration to decline, for reasons of public policy, to furnish confidential papers to congressional committees. The courts have recognized this constitutional prerogative of the Chief Executive and the great constitutional scholars uniformly agree that it is for the President to determine what papers and information in the Executive branch must be retained in confidence in the public interest. William Howard Taft, following his term as President and prior to his appointment as Chief Justice, summarized the situation succinctly and accurately when he wrote in his book,

The Chief Magistrate:

The President is required by the Constitution from time to time to give to Congress information on the state of the Union, and to recommend for its consideration such measures as he shall judge necessary and expedient, but this does not enable Congress or either House of Congress to elicit from him confidential information which he has acquired for the purpose of enabling him to discharge his constitutional duties, if he does not deem the disclosure of such information prudent or in the public interest.

It is against this background that we must consider President Truman's directive of March 13, 1948, concerning the confidential nature of loyalty files. Against this same background we must consider this Committee's request for the production of such files.

In his directive, the President stated:

The efficient and just administration of the Employee Loyalty Program, under Executive Order No. 9835 of March 21, 1947, requires that reports, records,

and files relative to the program be preserved in strict confidence. This is necessary in the interest of our national security and welfare, to preserve the confidential character and sources of information furnished, and to protect Government personnel against the dissemination of unfounded or disproved allegations. It is necessary also in order to insure the fair and just disposition of loyalty cases.

For these reasons, and in accordance with the long-established policy that reports rendered by the Federal Bureau of Investigation and other investigative agencies of the executive branch are to be regarded as confidential, all reports, records, and files relative to the loyalty of employees or prospective employees (including reports of such investigative agencies), shall be maintained in confidence, and shall not be transmitted or disclosed except as required in the efficient conduct of business.

At the time of issuing this directive, the President specifically referred to some of the precedents that I have mentioned this afternoon and called particular attention to the sound reasons of public policy requiring the maintenance of the confidential status of loyalty files. The President referred to an opinion rendered by Attorney General Jackson at a time when, at the direction of President Roosevelt, he declined to furnish certain reports of the Federal Bureau of Investigation to the House Committee on Naval Affairs, as follows:

Disclosure of the reports could not do otherwise than seriously prejudice law enforcement. Counsel for a defendant or prospective defendant, could have no greater help than to know how much or how little information the Government has, and what witnesses or sources of information it can rely upon. This is exactly what these reports are intended to contain.

Disclosure of the reports at this particular time would also prejudice the national defense and be of aid and comfort to the very subversive elements against which you wish to protect the country. For this reason we have made extraordinary efforts to see that the results of counterespionage activities and intelligence activities of this Department involving those elements are kept within the fewest possible hands. A catalogue of persons under investigation or suspicion, and what we know about them, would be of inestimable service to foreign agencies; and information which could be so used cannot be too closely guarded.

Moreover, disclosure of the reports would be of serious prejudice to the future usefulness of the Federal Bureau of Investigation. As you probably know, much of this information is given in confidence and can only be obtained upon pledge not to disclose its sources. A disclosure of the sources would embarrass informants--sometimes in their employment, sometimes in their social relations, and in extreme cases might even endanger their lives. We regard the keeping of faith with confidential informants as an indispensable condition of future efficiency.

Disclosure of information contained in the reports might also be the grossest kind of injustice to innocent individuals. Investigative reports include leads and suspicions, and sometimes even the statements of malicious or misinformed people. Even though later and more complete reports exonerate the individuals, the use of particular or selected reports might constitute the grossest injustice, and we all know that a correction never catches up with an accusation.

With respect to files which this Committee has requested, their disclosure would, it seems to me, seriously impair the effectiveness of the Employee

Loyalty Program. It would subject the persons in question to a type of double jeopardy which is contrary to sound concepts of good government, fairness, and justice. It would also make it extremely difficult, if not impossible, for the Federal Bureau of Investigation to perform its investigative duties. The Federal Bureau of Investigation conducts all investigations under the Employee Loyalty Program. Loyalty files, therefore, are for all practical purposes F.B.I. files. Mr. Hoover is here to give you his view, which he has held for many years, of the damaging effect that would be caused by the disclosure of such files. I know of no one better qualified to speak on this subject. I am in thorough accord with his views in this regard.

It is my opinion--for the reasons stated--that loyalty and investigative files should be preserved in strict confidence.

April 4, 1950

4485

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121-23278-76

19-13

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Azusa, California

Dear [REDACTED]

Your letter dated March 27, 1950, has been received and I do want to thank you for your comments relative to the position I have taken with regard to disclosing information in FBI files.

It occurred to me that you might like to read the enclosed copy of my statement before the Subcommittee of the Senate Committee on Foreign Relations on March 27, 1950.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover
Director

Enclosure

Report to Subcommittee of Senate Committee
Foreign Relations, March 27, 1950

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Clegg _____
Glavin _____
Nichols _____
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Tele. Room _____
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U.S. DEPT. OF JUSTICE
RECEIVED READING ROOM
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Mr. Glavin	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Harbo	
Mr. Belmont	
Mr. Mohr	
Tele. Room	
Mr. Nease	
Miss Gandy	

ALL INFORMATION CONTAINED
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EXCEPT WHERE SHOWN
OTHERWISE

4486

Mr. J. Edgar Hoover,
Federal Bureau of Investigation,
Washington, D.C.

Dear Mr. Hoover:

To the many voices congratulating you on your stand in the McCarthy affair, it is a pleasure to add my few words. I am so relieved to know that you have stuck to your guns under heavy pressure that I cannot refrain from some expression, although I am not a prolific letter writer.

It has been my feeling, and the feeling of every one I have discussed this matter with, that McCarthy's unbridled license has already caused sufficient damage. To open your files to such as he would add immeasurably to the anger and dissension already built up. Congratulations, and power to your arm.

Very sincerely yours,

[Redacted signature block]

[Redacted address line]

Azusa, Calif.

March 27th, 1950

of the L.A. County, H... (E...)
Collection

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und
acc 4-4-50

RECORDED - 74
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121-23278-76

PER. FILES

29-73